

Summary of Comments
Rules Governing the Qualifications for Local Health Officers

A hearing was held on December 12, 2007. Comments were accepted through December 26, 2007. The following provides a summary of the comments and responses to both written comments and comments made at the hearing.

1. One commenter stated that the rules provide a reasonable starting place given the broad range of expertise at this level.

(Commenter 1)

Response: No response to this comment is necessary.

2. One commenter noted that it is understood from these rules that the Department is choosing to mandate training without funding for travel and food expenses incurred by LHOs to get to this training. Commenter believes that appropriate funding by the State needs to be included in order to relieve that burden from the towns served by the local health officer.

(Commenter 2)

Response: Unfortunately, there are no State funds available for such reimbursement. However, in order to lessen the burden on municipalities, the rule already requires that Maine CDC provide trainings at least once per year in each of the eight Health and Human Services Districts. The provisionally adopted rule includes a requirement that these trainings are required of LHOs only once every three years after the initial training.

3. One commenter recommended two changes to the proposed rule: (a) Automatic waivers of the training requirement should be granted for physicians who are serving in the capacity of LHOs and (b) written material should be developed in parallel with the 6-hour course and distributed to the LHOs in order to reach LHOs who may not be able to attend the training. A short post-training test could be used to assess retention of the material.

(Commenter 3)

Response: We anticipate the training to be focused on the scope and use of the Local Health Officer statutes and applicable ordinances. Therefore, it is necessary for health care providers who do not have significant experience in using statutes to attend trainings. As the trainings develop, we anticipate developing supplemental written materials. However, at this point in time, we believe there is a significant advantage to in-person trainings and do not foresee written materials completely taking their place.

4. One commenter noted that it appears that municipalities will be able to adhere to the training and education mandates without shifting significant costs onto the property taxpayers.

(Commenter 4)

Response: No changes to the rule are necessary as a result of this comment.

1. One commenter, in a statement representing the Maine Municipal Association staff perspective on these rules, recognized that the Maine CDC is authorized to grant a grace period from training standards of up to six months after the appointment of a LHO, provided the LHO meets standards before July 1, 2009. The commenter is concerned with the time limit on the grace period and believes that period should be provided as a general rule for all LHOs. Commenter recommended that the grace period be amended in order to address the situation that may arise where an individual would be required to undertake the training before holding the job. This would make it difficult for communities to appoint LHOs.

(Commenter 4)

Response: As a result of this comment, Paragraph 3 of the final rule eliminates the reference to dates for completion of the training. Language has been added that allows an individual to meet the qualifications no later than six months after appointment.

2. One commenter expressed concern with the new requirements. Commenter believes that the requirements would put his small town in a rough spot as the LHO would not be able to participate in the new training. The Commenter recommends that small towns contribute to a regional health officer who could justify the time commitment and receive compensation to cover the larger area. Commenter asks if there is a possibility of replacing the requirement of a LHO with a regional LHO for small towns.

(Commenter 5)

Response: Current statute allows for towns to employ one LHO to serve them. The same individual may serve more than one town. No changes to these rules are necessary as a result of this comment.

Table of Commenters

1. Susan Jones, Local Health Officer, Phippsburg
2. Dennis M. Brewster, DVM, Local Health Officer, Alfred
3. James Li, M.D., Friendship Village Health Officer
4. Kate Dufour, Maine Municipal Association
5. Rob Wilpan, Selectman, Town of Sorrento